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wrongful conversion of property of another, or the application to the general estate of property which does not belong or never has belonged to the bankrupt." *Gorman v. Littlefield*, 229 U. S. 19, 25.

BUILDING RESTRICTION—A DUPLEX, OR TWO-FAMILY RESIDENCE AS A "FIRST-CLASS PRIVATE RESIDENCE."—The grantee covenanted that for a certain period "no building or structure other than a *first-class private residence* shall be erected, placed, or permitted on said premises." The grantee erected a "duplex" building to house two families but it was occupied by one only up to time of trial. *Held*: The building "*as now used and occupied*" constitutes a strictly first-class private residence as to outward appearances and the departure from the terms of the covenant as to the interior may be remedied by enjoining its use to one family. *Walker v. Haslet et al.*, (Cal., 1920), 186 Pac. 622.

Covenants of restriction of use though not favored will be enforced. The intent of the parties as determined from the language of the covenant construed strictly will govern. In *Levy v. Schreyer*, 177 N. Y. 293, the covenant against any house except *private dwellings* was held not violated by an erection of a three-story flat building but its use by more than one family was enjoined as in the principal case. However, generally, when the plural is used the covenant is not held violated by a structure housing more than one family. See cases cited in 45 L. R. A. (N.S.) 729. In the principal case the court took the words of the covenant to describe the use rather than the structure. Where the words are *private residence* or *private dwelling* there appears to be little conflict of opinion. But where the covenant calls for no building other than a *dwelling house* or a *residence building* the authorities are not in accord. In *Schadt v. Brill*, 173 Mich. 647, and in *Misch v. Lehman*, 178 Mich. 225, the restriction that "no building other than a *dwelling house* shall be erected on a lot" was held to warrant an injunction against a flat building and a double house with one entrance, the court construing the intention to be a single dwelling for one family on each lot and not merely one dwelling house for more than one family. Accord, see *Haris v. Roraback*, 137 Mich. 292; *Kingston v. Busch*, 176 Mich. 566; *Bagnall v. Young*, 151 Mich. 69; *Powers v. Radding*, 225 Mass. 110; 11 MICH. L. REV. 521. In these cases the connoted meaning of the words is included rather than the bare meaning denoted and to this extent they do not follow the rule of strict construction against the covenant which itself is based on the disfavor of covenants of restriction. The more recent cases incline to the rule of strict construction. See *Hamnett v. Born*, 247 Pa. 418; *Johnson v. Jones*, 244 Pa. 386, 52 L. R. A. (N.S.) 325; *Hutchinson v. Ulrich*, 145 Ill. 336; *Anoff v. Williams*, 94 Ohio St. 145; *Reformed Church v. Building Co.*, 214 N. Y. 268; L. R. A. 1915-F 651. In a late case in the Supreme Court of Missouri, *Bolin v. Tyrol Inv. Co.*, 273 Mo. 257 (1917), in which all the above cases were cited, the rule of strict construction was adopted, contrary to the former holdings in that state in *Thompson v. Langan*, 172 Mo. App. 64, and in *Sanders v. Dixon*, 114 Mo. App. 229, and it was held a covenant excluding the erection of more than "*one dwelling house*" of not less than two stories in

height, being in derogation of the fee, could not be extended by implication and an apartment building being a dwelling house was not excluded by the covenant.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAWS—REFILLING OF BOTTLES PROTECTED BY TRADE-MARK.—The defendant was prosecuted under a Florida statute forbidding the refilling of milk bottles, etc., having a registered trade mark 'blown in.' The purchaser from the owner of the trade-mark was excepted from the operation of the law. *Held*, the statute was invalid as contrary to the Florida and Federal constitutions: This inhibited refilling was an unjust and unreasonable discrimination in favor of a class of people who own a very common and ordinary kind of personal property. *Yeager v. State*, (Fla., 1920) 83 So. 525.

There seems to be a decided split in authority on the question of the validity of statutes similar to the one in the principal case. Following the decision of *People v. Cannon*, 139 N. Y. 32, the courts of Cal., Ky., Mass., and R. I., have held such statutes constitutional; while, upon the reasoning of the leading case of *Lippman v. People*, 175 Ill. 101, the courts of Ind., Mo., and Ohio have come to the opposite conclusion. Although the authorities are perhaps irreconcilable, yet there are certain variations in the wording of the different statutes on which the courts lay great emphasis. In two of the statutes declared invalid, bottlers of milk, cream, etc., were not included in the operation of the law. *Lippman v. People*, *supra*; *State v. Baskowitz*, 250 Mo. 82. In the latter case this exclusion was regarded as sufficient to negative the claim that the act was a proper exercise of the police power, and to distinguish the statute from that in the *Cannon case*, *supra*. Statutes not referring to food products, but merely to containers generally, have been held invalid as not intended primarily for the protection of the public. *Horwich v. Walker-Gordon Lab. Co.*, 205 Ill. 497; *State v. Wiggam*, (Ind., 1918) 118 N. E. 684. Statutes which have been upheld have uniformly contained an express reference to food products. *Bartolotti v. Police Court*, 35 Cal. App. 372; *Comm. v. Goldberg*, 167 Ky. 96; *Comm. v. Anselvitch*, 186 Mass. 376; *People v. Cannon*, *supra*; *People v. Luhrs*, 195 N. Y. 377; *State v. Hand Brewing Co.*, 32 R. I. 56. It was said by the court in the *Anselvitch case*, *supra*, at p. 378, that the statute "* * * makes provisions in reference to a kind of property used in a peculiar way, which is of such a nature as to call for peculiar provisions for the protection of the public and its owners against the fraud of evildoers." Another variation in wording is emphasized in the case of *State v. Schmuck*, 77 Ohio St. 438. The court, in holding invalid a 'milk bottle' statute, pointed out that in the New York statute the purchaser from the owner of the trade-mark was excepted from the penalty of the law, while the Ohio act made no such exception and so deprived the purchaser of the right of acquiring property. The statute in the principal case, (FLA. GEN. STAT. 1906, par. 3345), being identical with the New York statute in the two particulars above emphasized, the decision would hardly seem to be supported by the line of authorities cited by the court. The contention that such a statute is bad as class legislation was effectively disposed of by the court in